

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 03 - \_\_\_\_\_  
v. : DATE FILED: \_\_\_\_\_  
JOHN ELLIOT : VIOLATIONS:  
a/k/a "James L. Taylor," : 18 U.S.C. § 922(g)(1) (felon in  
a/k/a "James R. Taylor" : possession of a firearm) - 1 Count  
: 18 U.S.C. § 924(a)(1)(A)(making  
false statements to a federal firearms  
licensee) - 1 Count

**INDICTMENT**

**COUNT ONE**

THE GRAND JURY CHARGES THAT:

On or about August 21, 2002, at Philadelphia, in the Eastern District of Pennsylvania,  
defendant

**JOHN ELLIOT,**  
a/k/a "James L. Taylor,"  
a/k/a "James R. Taylor"

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, one Kel-Tec, Model P11, 9 millimeter semi-automatic handgun, bearing serial number 664481; one Bryco 9 millimeter semi-automatic handgun, bearing serial number 1488018; and one Cobra, Model PM11, 9 millimeter semi-automatic handgun, bearing serial number 940023227.

In violation of Title 18, United States Code, Section 922(g)(1).

## COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

At all times material to this indictment:

1. Mike and Kate's Sport Shoppe, located at 7492 Oxford Avenue, Philadelphia, Pennsylvania possessed a federal firearms license ("FFL") and was authorized to deal in firearms under federal laws.

2. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Title 18, United States Code, Chapter 44 (Sections 921-929), govern the manner in which FFL holders may sell firearms and ammunition.

3. The rules and regulations governing FFL holders require that a person seeking to purchase a handgun fill out a "Firearm Transaction Record," ATF Form 4473. Part of the Form 4473 requires that the prospective purchaser certify truthfully, subject to penalties of perjury, that he has not made any false oral or written statements with respect to the transaction. The Form 4473 contains language warning that "[t]he making of a false oral or written statement or the exhibiting of any false or misrepresented identification with respect to this transaction is a crime punishable as a felony." The Form 4473 contains language warning that "a person who answers 'yes' to any of the questions 12b through 12k is prohibited from purchasing or possessing a firearm."

4. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, including the buyer's home address and date of birth.

5. On or about August 21, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

**JOHN ELLIOT,**  
*a/k/a “James L. Taylor,”*  
*a/k/a “James R. Taylor”*

in connection with the acquisition of three firearms, that is, one Kel-Tec, Model P11, 9 millimeter semi-automatic handgun, bearing serial number 664481; one Bryco 9 millimeter semi-automatic handgun, bearing serial number 1488018; and one Cobra, Model PM11, 9 millimeter semi-automatic handgun, bearing serial number 940023227, from a federally licensed firearms dealer, that is, Mike and Kate’s Sport Shoppe, 7492 Oxford Avenue, Philadelphia, Pennsylvania, knowingly made false statements and representations with respect to information required by the provisions of Chapter 44 to be kept in the FFL holders’ records, in that defendant JOHN ELLIOT certified on ATF Form 4473, Firearms Transaction Record, that he had not been convicted in any court of a crime for which the judge could have imprisoned him for more than one year, and represented his true identity as “James L. Taylor,” and “James R. Taylor,” when in fact, as defendant JOHN ELLIOT well knew, these statements were false and fictitious.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

NOTICE OF FORFEITURE (18 U.S.C. § 924(d))

1. As a result of the violation of Title 18, United States Code, Section 922(g)(1) set forth in Counts One and Two of this Indictment, the defendant

**JOHN ELLIOT,**  
*a/k/a “James L. Taylor,”*  
*a/k/a “James R. Taylor,”*

shall forfeit to the United States of America, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), the firearms and ammunition involved in the commission of this offense, including, but not limited to:

(1) one Bryco 9 millimeter semi-automatic handgun, bearing serial number 1488018; or

(2) one Kel-Tec, Model P11, 9 millimeter semi-automatic handgun, bearing serial number 664481; or

(3) one Cobra, Model PM11, 9 millimeter semi-automatic handgun, bearing serial number 940023227; or

(4) twelve rounds of 9 millimeter ammunition.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

\_\_\_\_\_  
A TRUE BILL:

\_\_\_\_\_  
*FOREPERSON*

\_\_\_\_\_  
PATRICK L. MEEHAN  
*United States Attorney*